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VIA FACSIMILE (212)805-7949

The Honorable P. Kevin Castel
 United States Courthouse
 500 Pearl Street
 New York, New York 10007

Re: Zaccaro v. Hasu P. Shah, et al.
Case No. 08-CV-3138

Dear Judge Castel:

Thank you for your prompt response to defendants' request for a pre-motion conference. We received Your Honor's order indicating that a pre-motion conference will take place on May 9, 2008 at the same time as the initial Rule 16 Conference. This raises several points on which we respectfully request clarification.

First, based on the filing of our Amended Notice of Removal, the time to respond to Plaintiff's Complaint is currently running. It is our understanding that under Your Honor's procedures we are required to attend the May 9 pre-motion conference before a motion can be filed. Therefore, since we anticipate filing a pre-answer 12(b) motion, along with a motion to transfer venue, we request the time to respond to Plaintiff's complaint be tolled and/or extended until after the pre-motion conference on May 9, 2008.

Second, the parties' Rule 26(f) conference, the submission of a case management plan, and providing Rule 26(a) initial disclosures, are all triggered by the scheduling of a Rule 16 conference. However, if the motion that we anticipate filing is successful, the instant matter will either be dismissed or transferred to the United States District Court for the Eastern District of Pennsylvania. That being the case, we request that the Rule 26(f) conference, the submission of a case management plan, and the required Rule 26(a)

and make Rule 26(f) disclosures
 April 16, 2008

Time to answer or move
 and to conduct a Rule 26(f) conference
 adjourned to a date to be
 set at the May 9 conference.

SO ORDERED,
 [Signature]
 USDJ
 4-16-08

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initial disclosures, also be tolled and/or extended pending the Court's disposition of our anticipated motion.

We thank you for Your Honor's attention to this and look forward to the Court's clarification of these points.

Respectfully submitted,

Fleck, Fleck & Fleck


Edward A. Fleck (3469)

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